

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

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ADAM P. FAUST, *et al.*,

*Plaintiffs,*

v.

THOMAS J. VILSACK, in his official  
capacity as Secretary of Agriculture, *et al.*,

*Defendants.*

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) Civil Action No. 21-cv-548-WCG  
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**CONSENT MOTION TO EXTEND DEADLINE TO REPLY  
TO PLAINTIFFS' AMENDED COMPLAINT**

Defendants Thomas J. Vilsack, in his official capacity as Secretary of Agriculture, and Zach Ducheneaux, in his official capacity as Administrator of the Farm Service Agency (collectively, USDA or "Defendants"), hereby seek leave to extend the deadline to respond to Plaintiffs' Amended Complaint by 30 days. Plaintiffs consent to this motion.

In support of this motion, Defendants state as follows:

1. Plaintiffs filed this action on April 29, 2021, ECF No. 1, and effected service of the Complaint on May 3, 2021. On May 19, 2021, Plaintiffs filed an Amended Complaint, which added additional plaintiffs. ECF No. 7.

2. Under Federal Rules of Civil Procedure 12 and 15, the deadline to respond to Plaintiffs' Amended Complaint is July 2, 2021.

3. On June 3, 2021, Plaintiffs moved for a temporary restraining order and a preliminary injunction. ECF Nos. 12, 13. The Court issued a temporary restraining order on June 10, 2021, ECF No. 21, and is considering the fully briefed motion for a preliminary injunction.

4. This request for an extension of time is made in good faith and not for the purpose of undue delay. There are currently nine other related challenges to the implementation of ARPA Section 1005 in courts around the country, with various pleading deadlines and/or hearings upcoming in several of those cases, requiring a substantial amount of defense counsel's time.

5. Additionally, this is Defendants' first request to extend the deadline to respond to Plaintiffs' Amended Complaint.

6. Given the current temporary restraining order and pending motion for preliminary injunction in this case, Plaintiffs will not be prejudiced by the requested extension.

For the foregoing reasons, Defendants respectfully request an additional 30 days, or until August 2, 2021, to respond to Plaintiffs' Amended Complaint.

Dated: July 1, 2021

Respectfully submitted,

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